
IN RE: PETITION SPECIAL EXCEPTION
Beginning 227' E of Reisterstown Road, 925.54' NW of the centerline of Cherry Hill Road - 4th Election District
Reisterstown Shopping Center Limited Partnership,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-110-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for an arcade, as more particularly described on Petitioner's Exhibit 1.

The Petitioner's Lessee, HBH, Inc., appeared and testified and was represented by Counsel. No Protestants appeared.

Testimony was presented by the Lessee that it leases the subject property from Pay Bec, Inc., which in turn leased from CLS Investment, Inc., which leased from the Petitioner. The Lessee here began his tenancy on or about September 16, 1983, and has an arcade with 34 video games, two pool tables, and soda, candy, and cigarette machines. The business operates from 2:00 p.m. to 11:00 p.m. each weekday; 2:00 p.m. to 12:00 midnight, Friday; 10:00 a.m. to 12:00 midnight, Saturday; and 12:00 noon to 11:00 p.m., Sunday. In addition, the hours established for opening each weekday were established with consideration to the hours of the schools in the area. No person under 16 years of age is allowed to enter during school hours; during the week, there is a curfew of 10:00 p.m. for all persons under 16. The business employs one full-time attendant inside and, if necessary, employs another. The management company, as agent for the Petitioner, employs security guards who patrol the outside. The Lessee has never had any problem resulting in the need for police response.

The Lessee estimates present business to be 70% video games and 30% pool tables. The average age represented after school in the arcade is 85 to 90%

school age, to about 5:00 p.m., when the average age increases to about 25 or older. On Saturday, the average age is between 14 and 15; at night, 25 and older. Families make up about 30% of the business on Saturday.

The Petitioner requests approval to continue the arcade pursuant to Sections 423(b) and 502.1 of the Baltimore County Zoning Regulations (BCZR).

It is clear that the zoning regulations permit the use requested by the Petitioner in a B.M. Zone by special exception. It is equally clear that the use would not be detrimental to the primary business uses in the vicinity of the arcade. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for by the Petitioner should be granted, with certain restrictions as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the use meets the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981). The use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27 day of October, 1983, that the Petition for Special Exception for an arcade be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The hours of operation shall be limited as aforesaid.
2. Rules for play and conduct required of patrons shall be conspicuously posted in and about the premises and shall be strictly enforced.
3. No one under 18 years of age shall be permitted on the premises during school hours.
4. One of the owners, a manager, or a designee, designated by the owners as the responsible party and for whose conduct the owners hereby expressly assume responsibility, shall be on the premises at all time during business hours.
5. Uniformed security guards shall be provided from at least 6:00 p.m. until closing on each night and at such other times as the volume of business is comparable and/or security is needed to maintain a wholesome family atmosphere.

[Signature]
Zoning Commissioner of
Baltimore County

PETITIONER'S
EXHIBIT 6

ROBERT A. HARLE being duly sworn, deposes and says:

(1) I, ROBERT A. HARLE being over eighteen (18) years of age, make this Affidavit which is based on my personal knowledge and belief and best recollection.

(2) I present serve as President of H.B.H., Inc., the Maryland corporation which presently subleases the premises known as 11977 Reisterstown Road, Baltimore, Maryland 21136 from CLS Investments, Inc., for use as a billiard/pool establishment.

(3) That H.B.H., Inc. has operated the premises as a billiard/pool establishment since September 16, 1983 and that, as of the date hereof, I have not received a single complaint about either the operation of the billiard/pool tables or the video games contained in the premises nor have I received a single complaint about the clientele which plays said entertainment devices.

I do solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge and recollection.

[Signature]
Robert A. Harle

I, *[Signature]*, Notary Public do hereby certify on this 27 day of October, 1983, personally appeared Robert A. Harle known to me to be the person whose name is subscribed to the foregoing instrument and swore and acknowledged to me that he executed the same for the purpose and in the capacities therein expressed and of the statements contained therein are true and correct.

[Signature]
Notary Public

My Commission Expires: 7/1/86

CARDIN AND CARDIN, P.A.
ATTORNEYS AT LAW
SUITE 301
6815 REISTERSTOWN ROAD
BALTIMORE, MD 21215
TELEPHONE (301) 358-7411

PETITIONER'S
EXHIBIT 5
AFFIDAVIT

C. LYNNE SILVERMAN, being duly sworn, deposes and says:

(1) I, C. LYNNE SILVERMAN, being over eighteen (18) years of age, make this affidavit, which is based on my personal knowledge and belief and best recollection.

(2) On January 14, 1983, I was elected President of CLS Investment, Inc., a Maryland corporation, the corporation which presently leases the premises known as 11977 Reisterstown Road, Baltimore, Maryland 21136 from the Reisterstown Shopping Center Limited Partnership.

(3) On January 26, 1983, I subleased the premises to Pay Bec, Inc., a Maryland corporation, for use as a billiard/pool establishment.

(4) That Pay Bec, Inc. operated the premises as a billiard/pool establishment from January 26, 1983 until September 16, 1983 and, during that time, I did not receive a single complaint about the operation of either the billiard/pool tables or the video games contained in the premises, nor did I receive a single complaint about the clientele which played said entertainment devices.

(5) That I subleased the premises to H.B.H., Inc. on September 16, 1983 for use as a billiard/pool establishment.

(6) That H.B.H., Inc. presently operates the premises as a billiard/pool establishment and, as of the date hereof, I have not received a single complaint about the operation of either the billiard/pool tables or the video games contained in the premises nor have I received a single complaint concerning the clientele which plays said entertainment devices.

I do solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge and recollection.

[Signature]
C. Lynne Silverman

CARDIN AND CARDIN, P.A.
ATTORNEYS AT LAW
SUITE 301
6815 REISTERSTOWN ROAD
BALTIMORE, MD 21215
TELEPHONE (301) 358-7411

CARDIN AND CARDIN, P.A.
ATTORNEYS AT LAW
SUITE 301
6815 REISTERSTOWN ROAD
BALTIMORE, MD 21215
TELEPHONE (301) 358-7411

I, *[Signature]*, Notary Public do hereby certify on this 27 day of October, 1983, personally appeared C. Lynne Silverman known to me to be the person whose name is subscribed to the foregoing instrument and swore and acknowledged to me that she executed the same for the purpose and in the capacities therein expressed and of the statements contained therein are true and correct.

[Signature]
Notary Public

My Commission Expires: 7/1/86

PETITION FOR SPECIAL EXCEPTION

4th Election District

ZONING: Petition for Special Exception
LOCATION: Beginning 227 ft. East of Reisterstown Road, 925.54 ft. Northwest of the centerline of Cherry Valley Road
DATE & TIME: Thursday, October 20, 1983 at 11:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for an arcade

All that parcel of land in the Fourth District of Baltimore County

Being the property of Reisterstown Shopping Center Limited Partnership, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

JAMES S. SPAMER AND ASSOCIATES DIVISION OF
JOHN E. HARMS, JR. AND ASSOCIATES, INC.

Consulting Engineers - Surveyors
8017 YORK ROAD, TOWSON, MARYLAND 21204
(301) 823-8037
(301) 823-8278

REISTERSTOWN SHOPPING CENTER
ZONING DESCRIPTION
No. 11977 REISTERSTOWN ROAD

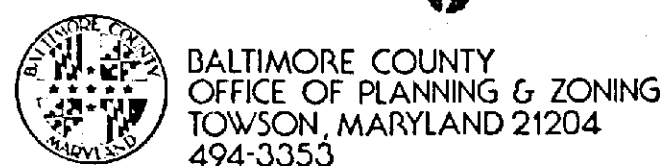
July 15, 1983

Beginning at the dividing wall between No. 11977 and No. 11979 Reisterstown Road which point of beginning is measured from the intersection of the centerline of Cherry Hill Road with the northeast side of Reisterstown Road the following three courses and distances, viz: (1) North 43° 39' 45" West 320 feet, (2) North 44° 11' 30" West 605.54 feet and (3) North 40° East 227 feet, and running thence from said point of beginning, North 50° West 80 feet, North 40° East 20 feet, South 50° East 80 feet, South 86° East 35 feet, South 50° East 27 feet, South 40° West 60 feet, North 50° West 27 feet and North 38° West 45 feet to the place of beginning.

[Signature]



5-730D



ARNOLD JABLON
ZONING COMMISSIONER

October 25, 1983

Sanford R. Cardin, Esquire
Suite 301, 6615 Reisterstown Road
Baltimore, Maryland 21215

IN RE: Petition for Special Exception
Beginning 227' E of Reisterstown
Road, 925.54' NW of the center-
line of Cherry Hill Road - 4th
Election District
Reisterstown Shopping Center
Limited Partnership, Petitioner
Case No. 84-110-X

Dear Mr. Cardin:

I have this date passed my Order in the above-referenced matter in accord-
ance with the attached.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: John W. Hession, III, Esquire
People's Counsel

LAW OFFICES
CARDIN AND CARDIN, P.A.
6615 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21215 (301) 358-7411

July 18, 1983

William Hammond
Zoning Commissioner
Circuit Court for Baltimore County
County Courts Building
P. O. Box 6754
Towson, Maryland 21204-0754

Re: 11977 Reisterstown Road
Reisterstown Shopping Center

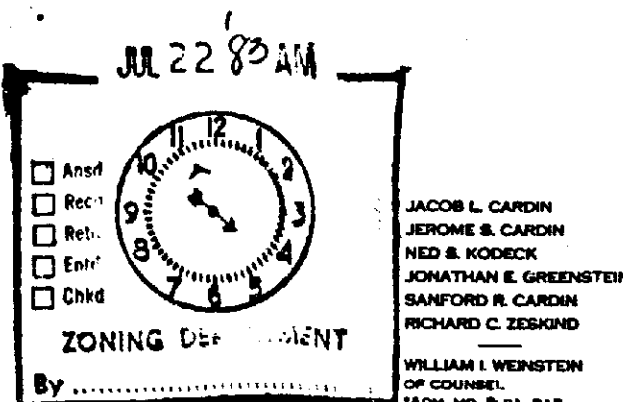
Request for Special Exception to permit the use of
11977 Reisterstown Road as an arcade

Please be advised, Mr. Hammond....

that this office represents the Reisterstown Shopping Center Limited
Partnership, owner of the Reisterstown Shopping Center in Reisterstown,
Maryland, ("Petitioner") with regard to the above-captioned matter.
Therefore, please permit this letter, as well as the accompanying
documents, to serve as the Petitioner's formal Petition For Special
Exception to allow the use of 11977 Reisterstown Road ("Premises") as an
arcade.

The Premises, as shown on the attached surveyor's plat, has a width of
approximately TWENTY (20) feet measured to the center line of all party
or common walls and a depth of EIGHTY (80) feet measured to the
exterior faces of all other walls and to the building line where there
is no wall, containing approximately ONE THOUSAND SIX HUNDRED (1600) square
feet. The Premises represents one of the smaller stores located in
Reisterstown Shopping Center, a center which contains in excess of 200,000
leasable square feet and presently has the following, amongst others, as
tenants: Mars Supermarkets, Ames Discount Department Store, Bowl America,
Village Theater and Western, Auto. Therefore, the granting of this
Petition for Special Exception will impact only a small portion of a large,
vibrant retail facility.

The Premises is presently being utilized as a billiard/pool establishment
which also contains a number of video game consoles. The Premises has been
used as a billiard/pool establishment with video game consoles since
February, 1983 and, as of the date hereof, neither the Petitioner nor the
Petitioner's managing agent (The Admiral Management Company) has received



CARDIN AND CARDIN, P.A.

William Hammond
Zoning Commissioner
July 18, 1983
Page 2

a single complaint from anyone oral or written - about the use of the
Premises as an entertainment area. Inasmuch as allowing the Premises to
be used as an arcade will not introduce a totally new use to the Center
but will merely permit the Premises to be utilized in a manner substantially
similar to the present noncontroversial operation conducted therein, the
granting of this Petition for Special Exception will have virtually no
impact on the Center as a whole except, perhaps, to make the retail facility
more attractive to all consumers, young and old.

In light of the above, it is the position of the Petitioner that the
granting of this Petition for Special Exception requesting that the Premises
be permitted to be used as an arcade will be beneficial to all concerned
and, therefore, should be realized as soon as possible.

Thank you very much for your cooperation in this matter. If you have any
questions concerning the above, please do not hesitate to contact me.

Sincerely,

Sanford R. Cardin

SRG:ls

Enclosed:

- (1) three (3) fully executed Petitions for Special Exception
- (2) ten (10) copies of a surveyor's plat of the Premises
- (3) seven (7) copies of a surveyor's description of the Premises

cc: Lawrence Goldman

September 23, 1983

Sanford R. Cardin, Esquire
Suite 301
6615 Reisterstown Road
Baltimore, Maryland 21215

NOTICE OF HEARING

Re: Petition for Special Exception
Beginning 227' E of Reisterstown Rd., 925.54'
NW of the c/l of Cherry Valley Road
Reisterstown Shopping Center Limited Partnership
Case No. 84-110-X

TIME: 11:30 A.M.

DATE: Thursday, October 20, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 119490

DATE 7/25/83 ACCOUNT R-01-615-000

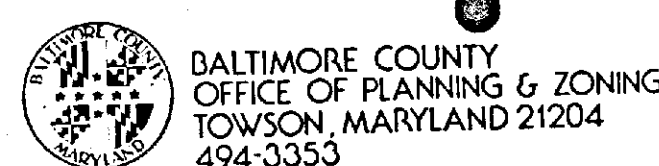
AMOUNT 100.00

RECEIVED FROM: Sanford R. Cardin

FOR: 11977 Reisterstown Road

G 051*****1000010 b252A

VALIDATION OR SIGNATURE OF CASHIER



ARNOLD JABLON
ZONING COMMISSIONER

October 13, 1983

Sanford R. Cardin, Esquire
Suite 301
6615 Reisterstown Road
Baltimore, Maryland 21215

Re: Petition for Special Exception
Beginning 227' E of Reisterstown Rd.,
925.54' NW of the c/l of Cherry Valley Rd.
Reisterstown Shopping Center Limited Partnership
Case No. 84-110-X

Dear Mr. Cardin:

This is to advise you that \$77.17 is due for advertising and posting
of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and
remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building,
Towson, Maryland 21204, before the hearing.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 122957

DATE 10/18/83 ACCOUNT R-01-615-000

AMOUNT \$77.17

RECEIVED FROM: Reisterstown Shopping Center

FOR: Advertising & Posting Case #84-110-X

G 051*****772710 b252A

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting Sept. 30, 1983

Posted for: Special Exception

Petitioner: Reisterstown Shopping Center Limited Partnership

Location of property: Beginning 227' E of Reisterstown Rd., 925.54'

NW of the c/l of Cherry Valley Road

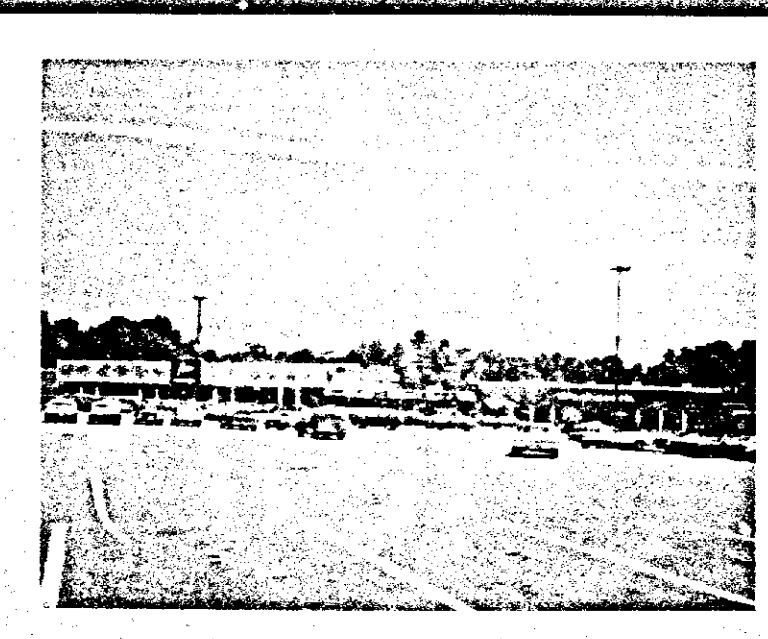
Location of Signs: Front 1st side of 11977 Reisterstown Road

Remarks: NE side of Reisterstown Road at main entrance, 1st end of 11977 Reisterstown Road

Posted by: A. J. Jablon

Number of Signs: 4

Date of return: October 7, 1983



PETITION FOR SPECIAL
EXCEPTION
4th Election District

LOCATION: Beginning 227' E of Reisterstown Road, 925.54' NW of the c/l of Cherry Valley Road

DATE & TIME: Thursday, October 20, 1983 at 11:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for an arcade at the parcel of land in the Fourth District of Baltimore County, beginning at the dividing wall between No. 11977 and No. 11979 Reisterstown Road which point of beginning is measured from the intersection of the centerline of Cherry Valley Road with the northeast side of Reisterstown Road the following three courses and distances: (1) North 47° 30' 45" West 200 feet, (2) North 47° 30' 45" West 200 feet, and running thence from said point of beginning, North 50° West 80 feet, North 47° 30' 45" West 27 feet and North 38° West 45 feet to the place of beginning.

Being the property of Reisterstown Shopping Center Limited Partnership, as shown on plat filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF: ARNOLD JABLON, Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 22, 1983

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed

and published in Towson, Baltimore County, Md., on the 20th

of one time, before the 20th

day of October, 1983, the 20th

appearing on the 29th day of September

1983.

THE JEFFERSONIAN

L. Frank Smith

Manager.

Cost of Advertisement, \$ 22.75

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., Sept. 29, 1983

THIS IS TO CERTIFY that the annexed Reg. #LSA505.PDA#8687

was published for one (1) day, on the 29th day of Sept., 1983, in the

☐ Carroll County Times, a daily newspaper published

☐ in Westminster, Carroll County, Maryland.

☐ South Carroll Herald, a weekly newspaper published

☐ in Eldersburg, Carroll County, Maryland.

☒ Community Times, a weekly newspaper published

☐ in Reisterstown, Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per:

PETITION FOR SPECIAL EXCEPTION

LOCATION: Beginning 227' E of Reisterstown Road, 925.54' NW of the c/l of Cherry Valley Road

DATE & TIME: Thursday, October 20, 1983 at 11:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for an arcade at the parcel of land in the Fourth District of Baltimore County, beginning at the dividing wall between No. 11977 and No. 11979 Reisterstown Road which point of beginning is measured from the intersection of the centerline of Cherry Hill Road with the northeast side of Reisterstown Road the following three courses and distances: (1) North 47° 30' 45" West 200 feet, (2) North 47° 30' 45" West 200 feet, and running thence from said point of beginning, North 50° West 80 feet, North 47° 30' 45" West 27 feet and North 38° West 45 feet to the place of beginning.

Being the property of Reisterstown Shopping Center Limited Partnership, as shown on plat filed with the Zoning Department.

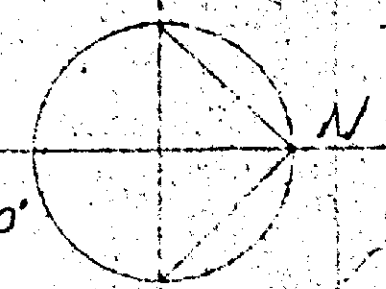
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF: ARNOLD JABLON, Zoning Commissioner of Baltimore County

Related to Sect: 409-b, (3) (3A) (4) (5) (6)

**PETITIONER'S
EXHIBIT** 1

Scale : $1'' = 50'$



Formerly Retail 1/200 = 8
This Retail 1/300 = 6
Lys 2

$$1,128 - 2 = 1,126$$

1- NOW LESS 2 SOCC

Description dated July 10, 1983
 at Intersection of Hwy 100 & Hwy 200
 in NE 1/4 of Section 34, T45N, R45W, S34E

*that to accompany zoning petition for SPECIAL EXCEPTION
for an ARCADE located in 411977-1000"
with the addition that the FIRST STREET SHOPPING CENTER.
Now Zoned B.M.-19-81-Ac
- JULY 15, 1983*

MAP. 12
10014-5
 SECTION
 DISTRICT
 E-15 114
 TOWN
 TOWNSHIP
 COUNTY
 FINAL

Reinhold Strauß, No. 153 am Spinn

Plot 3 REISTERSTOWN SHOPPING CENTER

BALTO. CO. MD Scale: 1" = 50' Date Updated: Jan 13, 1983

Net: 19.8082 Ar
sf = 20.5861 Zr

JAMES S. SPANER & ASSOCIATES
ENGINEERS & SURVEYORS
8017 YORK ROAD
TOWSON, MD 21204